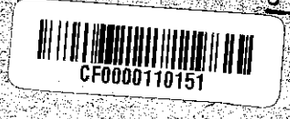
20 Rs. COURT FEE 20 Rs. भारत INDIA बीस रुपये TWENTY RUPEES

5 Rs. COURT FEE 5 Rs. भारत INDIA पाँच रुपये FIVE RUPEES

CANCEL

BEFORE THE HON'BLE HIGH COURT OF MADHYA PRADESH AT JABALPUR.



Division Bench (Civil)

M.P.No. 1176 /1990.

The Managing Director,
Steel Authority of India Ltd.,
Bhilai Steel Plant,
B H I L A I. ... PETITIONER.

VERSUS.

~~1. State of Madhya Pradesh.~~

2. Industrial Court of Madhya Pradesh
Banch at Raipur,
HIG-16, Sector-1,
Krishna Sadan, Shankar Nagar,
RAIPUR M.P.

3. The Presiding Officer,
Labour Court, Durg.

4. Kailash Singh,
Staff Qr.No. 6,
Bhilai Hotel Sector-10,
Bhilai Nagar.

... RESPONDENTS.

PETITION UNDER ARTICLE 226/227 CONSTITUTION OF INDIA FOR GRANT OF WRIT OF MANDAMUS/CERTIORARY.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1176 of 1990

Petitioner	The Managing Director, Steel Authority of India Ltd. Bhilai Steel Plant, Bhilai.
	Versus
Respondents	Industrial Court of Madhya Pradesh & others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Shri N.K. Vyas, Advocate for the petitioner.

ORDER

(17th November, 2006)

The following order of the Court was passed by Satish K. Agnihotri, J.

1. This petition has been filed under Article 226/227 the Constitution of India impugning the judgment and order dated 8.3.1989 of the Labour Court, Durg as well as the judgment and order dated 8.1.1990 of the Industrial Court.

2. Respondent No. 3 (Kailash Singh) was appointed as Care Taker by appointment order dated 16.5.1979. Respondent No. 3 (Kailash Singh) claimed over time for the work performed by them. Learned Labour Court vide its order dated 8.3.1989 allowed thirteen case of similar nature holding that the Care Taker, who have been appointed directly and treated as ministerial staff, have been given over time; whereas respondent No. 3 (Kailash Singh) who was appointed subsequently was not treated as ministerial staff, the same was discriminatory. The Labour Court allowed the application of

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respondent No. 3(Kailash Singh) and directed the petitioner to grant over time payment to respondent No. 3(Kailash Singh).

3. The petitioner filed appeal before the industrial Court. The Industrial Court by its order dated 8.1.1990 decided all thirteen appeals affirming the finding and order of the Labour Court. The petitioner thereafter filed writ petition before the High Court of Madhya Pradesh at Jabalpur against the order passed by the Industrial Court in all thirteen appeals.

4. Learned counsel appearing for the petitioner submits that nine petitions namely Misc. Petition No.s 1190/90, 1157/90, 1165/90, 1175/90, 1177/90, 1179/90, 1180/90, 1208/90 and 1211/90 have been decided by the High Court of Judicature for Madhya Pradesh at Jabalpur vide order dated 24.6.1994 allowing the petition of the petitioners by quashing the order dated 8.3.1989 passed by the Labour Court and the order dated 8.1.1990 passed by the Industrial Court in all the writ petitions.

5. I have perused the order passed by the High Court of Madhya Pradesh Bench at Jabalpur. On perusal, I find that the question of law involved in the present case and other cases, which have been decided by the High Court of Madhya Pradesh at Jabalpur, is one and the same. The present petition is squarely covered by the decision of the High Court of Madhya Pradesh.

6. Accordingly, the present writ petition is also allowed and the order dated 8.3.1989 passed by the Labour Court and the order dated 8.1.1990 passed by the Industrial Court are quashed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash